IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16681 of 2004

Between:

A.Ravinder, S/o.Veeraiah, R/o.Atmakur (V) & (M), Warangal Dist.

..... PETITIONER

AND

1 The Divisional Manager/Deputy Chief Traffic Manager, APSRTC,

Warangal Region, Warangal District.
2 The Depot Manager, APSRTC., Parkal Depot, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings dt. 5-9-1998 as illegal, arbitrary and unjust and consequently set aside the proceedings dt.5-9-1998 issued by the 2nd Respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents: MS.RAJANI GUDURI

STANDING COUNSEL FOR APSRTC

The Court at the stage of admission made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in issuing the proceedings dated 05-09-1998 as illegal, arbitrary and consequently set aside the same.

The petitioner is working as a Conductor in the respondents-Corporation since 1996. A charge sheet was issued to him on 12-05-1998 alleging certain irregularities. After receiving explanation from the petitioner on 27-05-1998, the second respondent passed an order on 05-09-1998 imposing punishment of deferment of two increments with cumulative effect. The grievance of the petitioner is that though the punishment imposed on him is a major penalty, the second respondent did not conduct any enquiry, and passed the order without giving him an opportunity of being heard.

Heard learned counsel for the parties.

This Court in ***S.K.Mastan v.Managing Director, APSRTC*** held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect, instead of directing the

respondents to initiate disciplinary proceedings and pass orders after enquiry.

Accordingly, the writ petition is disposed of modifying the punishment of postponement of two increments with cumulative effect imposed on the petitioner into the one of postponement of one annual increment without cumulative effect. No order as to costs.

_____

17-09-2004

vrn

To

1 The Divisional Manager/Deputy Chief Traffic Manager, APSRTC,

Warangal Region, Warangal District.
2 The Depot Manager, APSRTC., Parkal Depot, Warangal Dist.

3 Two C.D. copies